

AO 440 (Rev. 03/08) Civil Summons

**E FILING**  
UNITED STATES DISTRICT COURT

for the

Northern District of California

JO ANNE GRAFF

Plaintiff

v.

LAW OFFICE OF DOUGLAS R. BURGESS, LLC

Defendant

Civil Action No.

Summons in Civil Action

**C08 01821**

**PVT**

**JW**

To: DOUGLAS J. MACKINNON, SR.

(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Fred W. Schwinn  
Consumer Law Center, Inc.  
12 South First Street, Suite 1014  
San Jose, California 95113-2418

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**APR 04 2008**

Date: \_\_\_\_\_

Richard W. Wieking

Name of clerk of court

Tiffany Salinas-Harwell

Deputy clerk's signature

**Tiffany Salinas-Harwell**

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

Northern California U.S. District Court  
Court#: C08-01821 MCSO#: 08003251

Jo Anne Graff

-vs-

Law Office of Douglas R. Burgess, LLC

STATE OF NEW YORK  
County of Monroe

Philip Gombatto of the Monroe County Sheriff's Office being duly sworn, deposes and says that he is over 21 years of age and a Deputy Sheriff for the office of sheriff for the County of Monroe. The deponent further states that he is not a party to this action.

That on 6/3/2008 at 9:25 AM at 400 Linden Oaks Drive Rochester, NY 14625-2818 deponent served the within Summons, Complaint, Supporting Papers, Information Packet, Order Setting Initial Case Management Conference and ADR Deadlines on Douglas J. MacKinnon, Sr. by delivering a true copy of each to Carl Steinbrenner, a person of suitable age and discretion. Said premises is defendant's actual place of business within the state, and the deponent knew the individual to be the Agent Authorized to Accept.

On 6/3/2008, deponent enclosed a copy of the same in a postpaid envelope properly addressed to defendant at defendant's actual place of business and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential", and did not indicate on the outside thereof, by return mail or otherwise, the communication was from an attorney or concerned an action against the defendant.

Deponent describes the individual as follows:


SEX: Male  
SKIN: White  
DOB:  
HEIGHT: 5'9"  
OTHER:

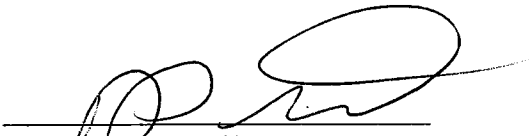
HAIR: Grey/Balding  
AGE: 46  
WEIGHT: 165

Comment:  
Attorney

Subscribed and sworn  
on Before me this  
June 3, 2008

NOTARY PUBLIC

  
**JULIE WIRTH**  
Notary Public, State of New York  
No. 01WI6166965  
Qualified in Monroe County  
My Commission Expires 5/29/2011

  
Deputy Sheriff  
Philip Gombatto